



Policy Name:	Conflict of Interest
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Approving Authority:	Board of Regents
Responsible Office:	Human Resources
Category:	Personnel

**Purpose**

The avoidance of any actual or apparent conflict(s) of interest which could compromise the impartial, objective, and effective performance of the duties of employees of Northwest Missouri State University is essential to the maintenance of the public trust in and to the responsible operation of the University. All University personnel are expected not only to adhere to all laws regarding conflict of interest, but also to be alert to and avoid situations which have the appearance of a conflict of interest. In accordance with this expectation, University personnel must avoid improper outside influences on their institutionally related decisions and activities. This Policy applies to all university employees.

**Policy**

**Statutory Requirements**

All employees of Northwest Missouri State University shall comply with the applicable requirements of Chapter 105 R.S.MO as currently in effect or as hereafter amended, dealing with conflicts of interest, as well as any other state law governing official conduct. Failure to comply with those requirements shall be considered a violation of this Policy. Terms used in this Policy have a meaning consistent with their use in Chapter 105 R.S.MO. 1537.

**External Compensation**

University personnel shall not act or refrain from acting in any lawfully empowered capacity within the University in return for, or in return for the offer of, anything of monetary value to the employee or any third person made or received in relationship to or as a condition of the performance of an official act or inaction, other than institutionally paid compensation for performance of official duties.

**Confidential Information**

University personnel shall not disclose or otherwise use confidential information obtained in the course of their official capacity at Northwest in any manner with the intent of securing or actually resulting in financial gain for the employee, any other person, or any business. See the University’s FERPA Policy for specific obligations regarding student information available here: Family Education Rights and Privacy Act (FERPA)

**Personal Gain**

University personnel shall not realize any personal gain, in any form, from any purchase of goods or services by Northwest Missouri State University, from inactions or actions taken by a representative or employee of the institution, nor shall

institutional personnel accept any gift, gratuity or reward with a monetary value in excess of \$25, from any person or other entity which transacts business with Northwest or which seeks to transact business. This requirement shall not infringe on property rights relating to the development of educational or other materials which have been granted to employees by the University.

- **Business Relationships:** University employees shall not transact business or approve or participate in the approval of the transaction of business on behalf of the University with any person or business entity with which the institutional employee has a substantial interest or family interest or relationship within the third degree of consanguinity or affinity, except for transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest and best offer received.

Outside activities can generally be subsumed under one of three rubrics: professional service, consulting, and moonlighting. Professional service includes activities such as service on an accrediting team, work performed under the aegis of a professional organization or service on local, state or national committees or task forces. Such service may be remunerated or non-remunerated. Consultation is the application of professional and scholarly expertise in the external community for the purpose of generating income for the consultant. Consultation is considered a business activity subject to the provisions of this Policy when the entity for which the employee consults transacts business with the University or is in competition with the University, or where the consultation itself competes with the work of the University. Moonlighting is reimbursed activity unrelated to one's professional role in the University. Such activities can be done only on one's own personal time.

- **Self-Dealing:** University employees shall not transact business, including performing services for and the sale, lease or rental of property with the University for receipt or payment of any compensation, other than the compensation provided by Northwest

Missouri State University for the performance of official duties, except for transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest and best received.

University employees shall not act on any matter in their capacity as employees of the University with the intent to provide a special monetary benefit to themselves or their family or with the intent of influencing, either positive or negatively, the employees' non-institutional employment or business activity or interest.

- **Financial Benefit:** University employees may not receive any financial benefit from the sale of textbooks or other class materials to students at Northwest.

University employees shall not use their position with or the property of Northwest Missouri State University for non-university business activity.

No employee will keep for sale or be interested in, directly or indirectly, the sale of any furniture or apparatus, books, maps, charts or stationery owned by the University. No employee will be interested in, directly or indirectly, any contract or purchase for building or repairing any structure, or for fencing or ornamenting the grounds, or furnishing any supplies or materials for the use of the University. No employee of the University, acting for self or as a representative for an external agency, will use University facilities to display or promote for sale to third parties any personal or represented material (see 174.220 R.S.MO as currently in effect or as hereafter amended).

- **Disclosure Requirements:** When it is proposed that the University engage in a business transaction, including any type of grant or contract, with a private firm or corporation in which a University employee has a

substantial interest, that employee shall make a full disclosure of that interest in advance,, in writing, to the official having the approval authority for that transaction and to the person responsible for the University conflict of interest reporting process. If there is a change in the financial interest of an employee during the term of the transaction which brings any such interest within the definition of a substantial interest, the change shall be reported immediately, in writing, to both the responsible approval and conflict of interest authorities.

University employees participating in the selection of a prospective employee, a consultant, or a contractor to provide goods or services to the University shall disclose to the official having the approval authority and the conflict of interest authority, in writing, any personal friendship, business association, or family relationship that the employee may have with the prospective employee, consultant, contractor or their businesses.

These requirements are in addition to, and do not relieve an employee from, the responsibility for making disclosures required by Chapter 105 of the Missouri statutes as currently in effect or as hereafter amended pertaining to conflict of interest.

### **Sanctions**

Reports required by the provisions of this Policy must be submitted to the Director of Human Resources Management (Administration Building 107) with copies to the employee's immediate supervisor, or dean, and Provost, and cabinet-level vice president. Employees wishing to register complaints relating to conflict of interest violations or to request investigations of violations or suspected violations of this policy should contact the Director of Human Resources.

Employees found to be in violation of this Policy are subject to disciplinary action up to and including termination of employment. In addition, any employee knowingly violating the conflict of interest law shall be subject to punishment as prescribed by section 105.478, R.S.MO as currently in effect or as hereafter amended.

Pursuant to section 105.467 R.S.MO as currently in effect or as hereafter amended, the University is prohibited from discharging, threatening, or otherwise discriminating against a person, or an employee acting on behalf of a person, because that person or employee reports or is about to report a violation or suspected violation of this policy or of laws or is requested by the Missouri Ethics Commission to participate in an investigation, hearing, or inquiry held by the commission or any related court action. These protections shall not apply to anyone who knowingly or recklessly makes a false report.

### **Appeals/Grievances**

An employee who is subject to disciplinary action based on a violation of this Policy shall be entitled to full due process rights provided under the appeals/grievance process described in applicable University policies. Complaints alleging violations of the State's conflict of interest law, or this Policy may be received and investigated by the Missouri Ethics Commission.